SWIFT COUNTRY JUSTICE FEATURES OF THE TRIAL OF SURGEL

First Verdict Not Accepted and Jury Sent Back-They Acquit Williams of Assault-Why the Legs of a Pupil Were Not Exhibited-Williams Will Resign. RAST MORICHES, L. I., Jan. 13,-After bringing in a written report of severe consure, which Justice R. P. Howell declined to receive, the jury in the case of Principal David M. Williams of the East Moriehes school, charged with beat-

ing 14-year-old Irving Terry on the hands and legs with a piece of rubber hose, acquitted the defendant this afternoon, and the advocates of capital punishment in the apple-barrel and cheese hox convention which daily discusses events of heavy import in the Postmaster's grocery store are declaring with deep conviction and many shakes of the head:

That jury's all right. They know what they're doing. Spare the rod and spoil the

Legal matters move more swiftly here than in New York. This case has excited more interest here than any trial for years, and deliberation, as the townspeople understand that term, was stretched to the limit in the conduct of the trial; so much so that court held from 11 o'clock in the morning to 4 in the afternoon. compared with the conduct of a trial in New York, the process could hard-ly be termed reprehensibly slow. After the talesmen were all present it took four minutes to accept and swear the jury The lawyer for the prosecution was regarded as reasonably brief with an opening address occupying three minutes. Ten witnesses were called on his side, and in an hour and a quarter after his case was opened he announced that the prosecution rested. The lawyer for the lefence took up twelve minutes of the court's time in his opening address, and many of the speciators shook their heads and declared that if the jury failed to catch the afternoon train for Patchogue they would blame it on Lawver Furman. However, he made no for this by calling only four witnesses, and closed his case. like his opponent, in an hour and a quarter. There was a brief rebuttal, and, the summing up addresses having been made, a long one of nearly three-quarters of an hour by Lawyer Furman for the defence and a brist on of ten minutes by Lawyer Pelletreau for the prosecution the jury went out at about 2:30. As they didn't come in until after 4 o'clock and

the last train West goes at 3:21, they missed

their train after all.

Court convened at 10 o'clock in the Hook and Ladder Company's truck house, which serves as a sort of town hall, having been built at a as a sort of town hall, having been built at a public expense of 50 cents over and above the cost of the lumber by volunteer labor, the sum above named having been paid to an Afro-American citizen who put in half a day's hard work for love, but demanded and received pay for the other half on the ground that he was a poor man, Principal Williams, who is tall, thin, and 22 years old, was surrendered by his bondsman, J. S. Raynor, and came to court accompanied by his counsel. Of the twelve talesmen ordered to appear, only five were present when court S. Raynor, and came to court accompanied by his counsel. Of the twelve talesmen ordered to appear, only five were present when court opened. There are various ways of escaping jury duty, of which the absent talesmen had availed themselves. Messrs Howell and Smith of Beliport sent in certificates that they were active volunteer firemen in the department of that town. "where they don't have two fires a year, and them is bonfires." as one of the court officers observed. Messrs, Rose and Wiggins of Patenogue appeared vicariously in the shape of two legal documents certifying that they have been appointed deputy sheriffs "for as long as this jury sets," as the skeptical officer remarked. Talesman Jenkins was out of town and could not be served with a notice, and another talesman had secured a doctor's certificate with several scientific names for the grip thereon. Fillmore Baker of Patchogue was lacking, but expected on the 10:46 truin. The Court patiently waited for him. On his arrival the necessary six for a Justice's court jury were present, and Lawyer Pedictreau secepted them in a body. So did Lawyer Furman after asking them if they had formed any opinion calculated to prejudice them. Ali said that they had not.

"If we had," said one of the number, "we'd say it right out. We aren't so anxious to do jury duty."

say it right out. We aren't so anxious to do jury duty."

The others nodded, and the case proceeded. After his brief charge Lawyer Pelletreau called Irving Terry, the complaining witness, Irving testified that on Jan. 5 the principal had whipped him with a piece of rubber tubing so hard that he was in bed for two days and couldn't walk for five days. On crossexamination he said that the cause of the bearing was that he told Walter Raynor to kiss one of the little girls in the primary grade when Walter and several other boys were plaguing her. Dr. Benjamin P. Begers then took the stand and described young Terry's bruises. The boy had a temperature, he said, of 100 % indicating a fevered condition. Mrs. Henrietta D. Howell, the mother of Justice Howell, also testified to the bruises on the boy's legs. Then Frank Miller was called to the stand. Mr. Miller proved to be a pleasant and chutty sort of witness, who was permitted to tell his story in his own way, and this was his way.

On the day the teacher licked Irving I was

and this was his way:

"On the day the teacher licked Irving I was around my house, forty rods away from the schoolhouse, and I see a couple of boys peckin and scrouchin around the corner of the schoolhouse. So I says to my wife, I says. There's a couple of toys up at school that ain't goin' in.'

Just then I see Mr. Williams come outside, and I says to my wife. There's Mr. Williams.' I says, 'come out to take an airin'. Pretty soon I see him go in, so I suppose he was tred, an' I had a good bit to do, takin' in a Christmes tree an' other things. Want to know what I was doin? No? (in a tone of surprise). Well, I done it, and later on I heard a filp-flap and some one yells 'Oh! Oh! 'I could see somethin' was goin' on in the school woodhouse where the noises come from. A boy come out and then another boy and then the teacher. He stood there quite a piece and—and "there the witness ruminated for a few moments and then concluded positively)—"yes; he was facility."

That was all that Mr. Miller knew of the case, His place was taken by Charles Tooker, who, in answer to a question, said:

"I was all that was the teacher leaved."

That was all that Mr. Miller knew of the case. His place was taken by Charles Tooker, who, in answer to a question, said:

"I was nigh there when the teacher liexed the boys. To use the expression, I were on the hill in front of Frank Miller's house, and I heard'—the witness slapped bis hands thrice, then in biercing tones declaimed—'Oh! oh! oh! oh, dear." Then the teacher came out."

"How far were you from the schoolhouse?' asked the prosecuting lawyer." Said Mr. Tooker indically. "I was just 190 paces, for I paced it off this morning."

Four schoolgirls were then called, and each swore that she had heard the principal referring to the beating of Irving Terry and three other boys whom he had beaten for the same offence, say that he had used 400 pounds pressure and kept his arm going for thirty minutes. Then two of the school trustees testified to an admission from Mr. Williams that he might have beaten the boys too severely. One of the jurymen complained that the two trustees, who had been very cautious in their testimony, hadn't told enough, and requested Justice Howell, who is the third trustee, to take the stand and clear the matter up. This the Justice declined to do. This closed the case for the prosecution. Lawyer Furman outlined the case of the defence, saying that he would prove that three of the younger boys, including Gilbert Higgins, a begro, had maitreated and improperly used 10-year-old Eleanor Tuthill, and that Irving Terry agged them on. Eleanor herself was the first witness, and Justice Howell was in some doubt as to her understanding of the nature of an oath, but she promptly removed that doubt by her reply to his first question:

"Do you know what will happen to you if you don't tell the truth?"

said Eleanor cheerfully. "I'll "That's satisfactory," said the Justice of the he were her. She testified that three of the boys had misused her during recess on Jan. 5, and that irving Terry told one of the boys to kiss her. There was nothing in her testimony to show that she was actually harmed, except for some bruises received in being pushed against a desk. Principal Williams then took the stand and told of chastising the boys, who, he said, were deserving of severe punishment.

Were you excited or angry?" asked Lawyer Furman. That's satisfactory," said the Justice, and wore her. She testified that three of the

Furman Well, I was certainly excited," said the prin-

Well, I was certainly excited," said the principal. but I was not raging."

Where did you get the rubber tubing with which you beat young Terry?" asked Lawyer Pelletreau on cross-examination.

From Mr. Hulse."

Where is it now?"

Why did you do that?"

Because it had deceived me. I did not think it would have so much effect as it did."

I'll you use the right hand in whipping the Terry boy with the rubber tubing?"

For a time. It was blistered from whipping the other boys, so I took both hands to the tubing." tubing
Miss Bishop, a school teacher, testified briefly
regarding the offence for which the boys were
punished, then looked shyly at the Justice and

punished, then looked shyly at the Justice and said

May I be excused, now?"

She was excused for the time, and her place in the witness chair was taken by Gilbert Higgins, the negro boy. Lawyer Furman said he climate care to swear Gilbert; he only wanted the jury to see the boy. Lawyer Pelletreau said he didn't care to swear the boy, as the jury could see him without that formality. Justice Howell said he surely didn't care to swear Gilbert; so he sai and grinned at the jury and the jury said and solemuly contemplated him until the lawyer for the defence was satisfied and told Gilbert to go. Then areas a long and flores

discussion between the lawyers on the subject of Irving Terry's legs. One of the jurors had suggested early in the case that the jury might want to see the boy's legs. Lawyer Pelletreau remarked that now was the time. This brought Lawyer Furman to his feet with vehement objections. This was no time for Irving Terry's legs, he said. They were by-gones. They belonged to the case of the prosecution, and the prosecution should have offered them in evidence at the prosecution, and the prosecution should have offered them in evidence at the proper time, marked Exhibit A and Exhibit B. It was too late now, and he should protest with his last breath against any illegal and improper leg show in a case where his client's interests were at stake. Lawyer Pelletreau answered in kind, arousing another burst of oratory from his opponent. Finally the jury unanimously voted that they didn't want to see Irving Terry's leg, anyway, and those members, which had be a swinging nervously, retired from the case.

oratory from his opponent. Finally the jury unanimously voted that they didn't want to see Irving Terry's leg; anyway, and those members, which had been swinging nervously, retired from the case.

Lawyer Furman, in his aumming up, laid atress on the fact that severe punishment was due the boys for their improper behavior, and said that if Principal Williams had overdone the matter he was punished enough by his arrest. Lawyer Pelletreau argued that the punishment was brutal and beyond the right of a schoolmaster to inflict. Justice Howell's charge was brutal and beyond the right of a schoolmaster to inflict. Justice Howell's charge was brief and impartial. The jury was conducted by Constable Welch to the meet market of C. D. Terry, the complainant's father. They went into session about 2:45, and many cigars were bet outside that they would return a verdict in time to catch the 3:21 train. The train came and went and they were still out. At 3:55 they came in with a signed paper, containing a sort of conditional verdict. It dismissed the complaint, but severely censured the defendant. Justice Howell sent the jury back with instructions to bring in a verdict of guilty or not guilty. Fifteen minutes later they returned with a verdict of guilty. It was not a popular decision, but there was no disorder in the courtroom.

The resignation of Principal Williams has been demanded by the trustees on the ground that his usefulness in East Mortches is at an emd. He will resign on the stipulation that he be permitted to do so without disgrace. There is a feeling against the teacher, Miss Bishop, who was one of Williams's witnesses, and who has expressed the opipion that the boys deserved to be well beaten. Some of the rabid partisans of the anti-Williams faction deciare that she will be compelled to leave at the end of the year. Principal Williams went to Patchogue this evening with his counsel. He says that there was a plan to mob him last Saturday and that he has heard runors of another. The influential men of the faction o

GETTING LEGAL ADVICE.

Being One of the District Attorney's Staff, Brande Finds It Cheap and Plenty.

James E. Brande, who is nearly four feet high, and whose official title is "Special Deputy Clerk" in the District Attorney's office headed a delegation of Italians who called upon Assistant District Attorney Henry Unger yesterday afternoon.

"We are here for justice," explained Mr Brande. "I was elected, but I am not." "I don't understand you," said Mr. Unger, Brande explained that the members of the

delegation were members of an Italian organization, known as the Young Men's Lyceum of 193 Grand street, and said the Lyceum had elected him President and that he had been counted out. 'I want to have the election inspectors in

dicted," said Mr. Brande. "They just told us that our ticket was beaten and then when we kicked about it they put us out of the meeting

kicked about it they put us out of the meeting room. I demanded a recount of the ballots and they said they had burned the ballots."

"They might be indicted for arson," suggested Assistant District Attorney O'Reilly.

"That's all right," said Mr. Brande, "but I want Mr. Unger's opinion."

"Well, "said Mr. Unger, "you might bring quo warranto proceedings against the President and other de facto officers who have usurped and intruded upon the control of the organization. Then you could get a writ of replevin in a civil action to obtain possession of the club's assets or you may obtain a summary search warrant. Then, inasmuch as the election is a quasi judicial proceeding, you want to apply to the Supreme Court for a writ of certiorari."

to apply to the Supreme Court of the certificard."

"Mr. Ung is much-a smart-a man," whispered one of the Italians.
"Great-a Judge! Great-a Judge!" exclaimed another member of the delegation.

"But what-a we do to get-a square?" asked the third member of the delegation, and they departed.

GEN, ANDREWS REVIEWS SQUADRON A. Stand of Colors Presented in Memory of the

Brig.-Gen. Avery D. Andrews, Adjutant-General of the National Guard of the State, reviewed Squadron A. Major Howard G. Badgeley commanding, at the armory. Ninety-fourth street and Madison avenue, last evening. It was his first official visit to an organization in the Guard as Adjutant-General The squadron, dismounted, marched into the drill shed in columns of fours in full dress uniform. The men were drawn up inside the drill shed so as to form three sides of a hollow square. The command stood at attention while Major Badgeley, attended by the non-commissioned staff, received from J. Morsan Hiddreth a stand of colors given to the squadr in by Mrs. Anne L. Hildreth, the mother of the late Philip R. M. Hildreth, a private who served with Troop A in Porto Rico and who died at his mother's residence, 48 Irving place, on Oct. 27, after the command returned.

J. Morgan Hildreth, who was a brother of Private Hildreth, made a speech in presenting the colors, which brought tears to the eyes of many of the troopers, as well as to his own. Major Badgeley made a short speech in accepting the colors, which brought tears to the eyes of many of the troopers, as well as to his own. Major Badgeley made a short speech in accepting the colors, which included the colors of the nation and State and three red and white silk guidons, one for each troop.

Gen. Andrews made an inspection of the command, after which it passed in review was over tien. Andrews presented bronze ten-year service medals to Sergt. Ericsson N. Nichols, Troop 2, and Sergt. John N. Stearns, Jr., of the non-commissioned staff. shed in columns of fours in full dress uniform.

BELL TELEPHONE TO MOVE?

Report That the Corporate Headquarters

Bosron, Jan. 13.-It is reported that the Bell Telephone Company may move its corporate home to New York, on the ground that the laws of Massachusetts applied to corporations are too restrictive. The Bell Company, it is are too restrictive. The Bell Company, it is said, on deciding to expand on both a share capital and a bond basis, may recent to the laws of New Jersey. The laws of this State provide that no corporation shall contract an indebtedness beyond 50 per cent. of the parvalue of the stock. The present capital is \$25,000,000 or \$30,000,000. The company may issue on that only \$12,500,000 or \$15,000,000 in bonds, although the stock, solling at \$280 a share, as recently quoted, is valued at \$75,000,000. Neither confirmation nor denial of the report can be obtained from Bell Company officials in Boston.

FEDERATION OF LABOR.

Anti-Expansion Resolution Adopted-Proposed Independent Political Action. ALBANY, Jan. 13.-The State Workingmen's Federation of Labor convention to-day adopted the resolution offered by Delegate Samuel Prince of New York city that the convention

Prince of New York city that the convention recommend that its affiliated organizations discuss the advisability of independent political action of the organized workingmen of the State. It was also voted that the date of the annual session of the Federation be changed from January to the second Tuesday in September.

The greater part of the afternoon was taken up with a debate on the anti-expansion resolution. President Gompers of the American Federation of Labor advocated the resolution. The anti-expansionists by three to one, and the resolution which opposed expansion as repugnant to our American system of government went through with only about ten negative votes.

Delegates to the Pure Food Congress. ALBANY, Jan. 13.-The Governor has designated the following to act as delegates, repre

senting the State of New York, at the National senting the State of New York, at the National Pure Food Congress, to be held in the city of Washington beginning Jan. 18: Arthur A. Dowst of Brooklyn, James B. Row-innd of New York, John C. Hoxle of Utica, Rob-ert D. Grant of Clayton, James P. Clark of Fal-coner, Elliot B. Norris of Sodus, Oscar F. Hal-of North Stockholm, Charles Fitts of Dresser-ville, Rufus E. Boschert of Syracuse, George L. Flanders of Albany, Frederick H. Kracke of Albany, and Frank E. Dawley of Fayetteville

Confirmed by the Senate.

WASHINGTON, Jan. 13 .- Among the nominations confirmed to-day by the Senate were various appointments and promotions in the volunteer and regular army and those of Postmasters in the State of New York appointed during the recess of Congress. Also that of Charles P. Mathewson of Nebraska, to be Indian agent at the Omaha and Winnebago agency. Nebraska.

Beal Estate and Apartments. No other paper affords such advantages for reaching the purchaser and tenant as The Sun. Then, too, they are to be depended on.—Ade. NEW YORK LEGISLATURE

RESOLUTION AGAINST SEATING POLYGAMIST IN CONGRESS.

The Case of Roberts of Utah Under Consideration at Albany-A Bill Introduced in the Assembly to Guard the Eights of Co-respondents in Divorce Cases. Atmany, Jan. 13.-The event of a twentyminute session of the Assembly to-day was the

Introduction of a plea against seating Brigham Roberts, the Representative elected to Congress from the State of Utah who is alleged to have a superfluity of wives. Assemblyman Delaney of Onondaga introduced the plea in the form of a concurrent resolution requesting the Representatives from this State to take united action in opposing the seating of a resolution is as follows:

Reselved (the Senate concurring), That the Legis lature of the State of New York respectfully requests
the Congressmen-elect from said State to unite in urging such proper action in Congress, whether by constitutional amendment or otherwise, as shall forever exclude and disqualify any person practicing polygamy, or plural marriage, from membership th the National Congress.

The resolution giving rise to debate, it was abled to be brought up for consideration of Monday evening.

Assemblyman Redington of New York offered a resolution extending the sympathy of the Assembly to the family and relatives of the late ex-member of Assembly, George P. Webster of New York, which was unanimously adopted, and the house, as a further mark of respect to his memory, adjourned to Monday vening at 8:30 o'clock.
The Senate was in session but ten minutes

this morning. Gov. Roosevelt sent in the nomination of State Engineer and Surveyor Edward A. Bond to succeed Campbell W. Adams on the State Forest Reserve Board. The nomination was referred to the Finance Committee.

The Senate adjourned until Monday night, when the nomination of Col. John N. Partridge to be State Superintendent of Public Works will be confirmed Assemblyman Schmid introduced the Ahearn

School bill in the Assembly this morning, pro-viding for a scale of salaries for school teachers School bill in the Assembly this morning, providing for a scale of salaries for school teachers of New York city depending upon their terms of service in the schools.

Assemblyman Mohring of Buffalo, a member if it he minority, to-day presented a familiar bill, providing that street surface railroads operating within the city of Buffalo shall issue six tickets for 25 cents, each ticket to be good for one continuous ride upon the line of any road operating within the city. This bill is fairly representative of a policy apparamenty adopted by the minority toward all corporating adopted by the minority toward all corporating operating in the cities of the State.

Assemblyman Schoeneck to-day introduced a bill providing that in an action brought to obtain a divorce on the ground of adultery any co-respondent named in any of the pleadings shall have the right to appear, either in parson or by attorney, on the trial of the action and defend the same, so far as the sliegation of adultery defended by such co-respondent shall not be proven, such co-respondent shall be entitled to a bill of costs against the person naming him as such co-respondent, which bill of costs shall consist only of the sum allowed by law as a trial fee, and also his disbursements, and shall be entitled to have an execution issue for the collection of the same.

These other bills were introduced in the Assembly to-day:

Mr. Brennan, the perennial Home Rule in Local Taxation bill, permitting Supervisors of counties

Mr. Brennan, the perennial Home Rule in Local axation bill, permitting Supervisors of countries Mr. Brennan, the perennial Home Rule in Local faxation bill, permitting Supervisors of counties and Councils of cities to exempt personal property from taxation for local purposes.

Mr. Mazet, including in the institutions which releive city aid the McDomough Memorial Hospital of West Forty-third street in New York city, which is argely devoted to the care of the colored sick or injured, and providing that a sum not to exceed \$12,000 shall be annually set saide for this institution.

\$12,000 shall be annually set aside for this institution.

Mr. Brennau, legalizing the appointment of thirtyone firemen, appointed by Fire Commissioner Lawrence of Brooklyn in 1865, at a time when there
was no eligible list from which to select emergency
firemen, and whose appointments have been held up
as illegal owing to the fact that they were not taken
from an eligible list as required by law.

Mr. Adler, to prevent the building of advertising
billboards of over six feet in height in any city of
the first or second class, and prohibiting the use of a
fence of over ten feet in height exclusively for advertising purposes, and providing penalties for violation of the terms of the bill.

Mr. Sullivan, providing that a person intending to
manufacture tobacco cigarettes shall first obtain a
license so to do, after making oath that the cigarettes
to be manufactured shall not contain injurious matefials.

Mr. Fallows, prohibiting the interference of the courts with the internal affairs of religious corporations.

Mr. Hoffman, providing that the Sisters of the Poor of St. Francis shall receive for board, nursing and medical and surgicial aid rendered charity patients in St. Francis Hospital of New York city 25 cents per day from the city.

Mr. Litchard, providing that products raised in this State shall have the preference in the purchase of supplies by the various boards and commissions having charge of State institutions.

Mr. Relsey, changing the name of the Governor's "private secretary" to "a secretary to the Governor," and providing that his salary shall be increased from \$4,000 to \$6,000.

Mr. Tripp, defining what shall constitute a quart, pint and haif-pint fruit basket by providing for the dimensions of such fruit baskets.

Mr. Allis, inaking an appropriation of \$13,425 for the payment of confidential cierks to Justices of the

Mr. Alldis, making an appropriation of \$13,425 for the payment of confidential clerks to Justices of the supreme Court in the Sixth and Seventh Judicial districts.

Mr. Relsex, a bill of the Statutory Revision Commission, which is presented as the first chapter of ageneral revision of the Code of Civil Procedure, and known as the studiciary law.

Mr. Collins, providing that the Municipal Assembly of New York city shall make ample provision for the lodging and expenses of a jury kept together during the progress of the trial or after its retirement for deliberation.

Mr. Collins, providing that in all criminal actions, except for crimes punishable by death, thirteen intors shall be drawn.

Mr. Redington, his list year's bill providing a new Aldermanic district for the Thirty-fourth Assembly district of New York city.

EVIL OF OVERLEGISLATION. Gov. Roosevelt Consults with Leaders and

Decides on a Plan to Remedy It. ALBANY, Jan. 13.-Following up his recom

nandation in his annual message to the Logislature regarding the evils of overlogismtion, Gov. Roosevelt to-day conferred with Sepator Ellsworth, Speaker Nixon and a dozen of the more prominent Republican leaders of the two houses with a view of outlining a plan to remedy the evil. It was the consensus of opinion that in past years too many personal and private measures had been rushed through during the last days of the session, which not only cumber the statute books, but treat of subjects which should have been covered by general laws. It was also observed that many mportant and unimportant measures were in troduced each session as amendments to existing laws, in which the new matter was not properly indicated.

As an outcome of this consultation the Gov ernor, with the cordial approval of these leadera. outlined a plan by which the business of the Legislature will be expedited, and the provisions of the laws passed will be familiar to the oublic long before they reach the executive chamber. Occasionally the new matter in proposed laws amending existing laws may unintentionally not be underseoved, but in the past the instances have been numerous where unimportant new matter in a bill would be underseoved, with no indication that more important amendments were included. Frequently important amendments to existing laws have slipped through the Legislature unknown to the public. Gov. Roosevelt has decided that he will veto any bill which amends an existing law in which the new matter is not italicized. He will thus discose of such bills apart from any merit they may possess. Of course, there will be exceptions to this rule, but the necessity for his signing a bill in which he new matter is not underseored must be convincing.

In order to prevent an accumulation of 600 ers. outlined a plan by which the business of

convincing.

In order to prevent an accumulation of 600 or 700 bills in the hands of the Governor during the thirty-day period following the final adiournment, of the Legislature, which has ing the thirly-day period following the final adjournment of the Legislature, which has been a usual occurrence in recent years, the members of the Legislature will be informed that they must bush all of their local and private bills in order that they may reach the Governor and be disposed of by him while the Legislature is still in session. This proposition applies to the hundreds of unimportant local and private measures which can just as well be introduced and disposed of during the first half of the session of the Legislature, during which the wheels of legislation usually grind slowly. The diovernor's idea is that all such legislation can be introduced and disposed of within the next two months. Otherwise he will regard with suspicion the bills which are sent to him for a thirty-day consideration, should they be passed in such large numbers as they have been in the past few years during the last two weeks of the session. This movement is regarded by the members of the Legislature as a step in the interest of honest legislation.

of the Legislature as a step in the interest of honest legislation.

Gov. Roosevelt wishes it understood that these conclusions regarding proposed legislation at the present session have been arrived at only after a free exchange of views with the prominent members of the Legislature. There is to be no attempt at Gubernatorial distation in the Legislature. The executive and legislative branches of the flate Government are in entire accord regarding the remedy for the syil of overlagislation.

KIRALFY DOUBLE PINOCHLE,

Bolossy and His Wife Both Suing for Di vorce-Wife Asks for Alimony.

Boloday Kiralfy and his wife, Elise, have sounter actions for divorce pending. The wife moved resterday before Justice Nash of the Supreme Court for allmony and counsel fee. A. H. Hummel said for her that Kiralfy maker \$40,000;a year, and has stage properties worth \$100,000, Mrs. Rirally accuses him of living with Elsis Gordon, a ballet dancer in his giving diamonds and gowns.

Julius Lehman, counsel for Kiralty, said that his client was not as well off as his wife. The wife, he said, lives at 38 Washington Square, a house bought for her by Kiralfy. Kiralfy pays the interest on the \$20,000 mortgage and the taxes. The rooms not used by her are rented out, and her income from this source is \$220 month. In the house also lives Willy Lowitz, said Mr. Lehman, an artist and music

witz, said Mr. Lehman, an artist and music teacher, who, Kiraify alleges, is on intimate relations with Mrs. Kiraify. Counsel said that there is a secret staircase in the house which Mrs. Kiraify and Lowitz use.

"This is an outrage." broke in Mr. Hummel. "As an officer of this court I pledge my word that there is no foundation for such a frightful charge against Mrs. Kiraify, She is a good old true woman, and Mrs. Kiraify knows he has not the slightest evidence on which to base his charges."

Mr. Lehman produced the following letter, alleged to have been written by Lowitz to Mrs. Kiraify;

Mr. Lehman produced the following letter, alleged to have been written by Lowitz tolmrs. Rivalv:

"Mr Dran Little Elibe: Five whole days gone since you left, and you still gliding on the water. New York is a regular sweatbox and we all sit around in dreary silence. We have quite a number of mosquitoes in our room, and resterday I could stand it no longer. It must have been half past II bedtime) when I went for a mosquito ast, and also brought up the ladder and started to put the nests up. Harry was undressed, and every few minutes my mother would insist on coping in and helping us, so we had to lock the doors. The small bed we tried to move, but the slats fell out and made an awful reaket. Your sister yelled up in great fright whether she would have her life insured. "The children are all very well and all miss you more than you can imagine. I must now close. Take care of yourself and remember your. The writer's mother added a postscript.

The writer's mother added a postscript. The writer's mother added a postscript, reading:
"Deas Elise: Empty and lonesome is the house without you When will the hour of freedom arrive? I mean the double pinochle—the double event. The boys are anxious to get away, so farewell until we meet again.
"Pauline."
Mr. Lehman said that the "double binochle" must mean the prospective marriage of Mrs. Kiralfy and Lowitz when a divorce was secured.

cured.

Permission was granted to Mr. Hummel to submit affidavite disproving the charges made against his client, and the court meanwhile reserved decision on the motion. ROOSEVELT ON ARMY BEEF.

He Says the So-Called Canned Roast Beef

WASHINGTON, Jan. 13.—Gen. Miles this afternoon made public, with the writer's consent. the letter he received from Gov. Roosevelt. It STATE OF NEW YORK,
EXECUTIVE CHAMBER, ALBANY, Jan. 9, 1

Gen. Nelson A. Miles, War Department, Washing "My DEAR GEN. MILES: I do not distinctly nderstand about this beef controversy, but ossibly what I have to write may be of some possibly what I have to write may be of some use. The canned corned beef we found to be good. The so-called canned roast beef that was issued to us for travel rations, both on the transport and on the train, and which we occasionally got even at the front, was practically worthless. Unless very hungry the men would not touch it, and even when suffering from lack of food they never ate a fifth of it. At the best it was tasteless; at the worst it was nauseating. There was also a supply of beef (in the shape of quarters) which was put aboard our transport at Tampa. It was supposed to be fitted by some process to withstand tropical heat. It at once became putrid, and smelled so that we had to dispose of it for tear of its creating disease. I think we threw it overboard. At any rate it was condemned. The beef we got in Santiago, after about the 24th or 25th of July—that is, after the siege had ended, and when my brigade had been without fresh meat or vegetables for a month—was generally good. By that time the cavairy division was in a siekly condition. The fact that the meat ration was so bad as generally to be included the supply of food below what was necessary to keep them in proper condition. Very sincerely yours.

Theodore Roosevell." use. The canned corned beef we found to be

GEN. WOOD'S TESTIMONY.

WASHINGTON, Jan. 13.-Gen. Leonard Wood. Military Governor of Santiago, was the first before the War Investigation Commission this morning. He said that a great deal of refrigerated beef was sent the troops at Santiago. It had a slight mould on it, but was really unloaded in good condition. There was a prejudice among the troops against meat that had ared to any extent. A great deal of the beef was condemned, but not because the beef was condemned, but not because the beef was bad beef when it reached Santiago, but because it could not be properly handled. It would leave the ship before daybreak in the morning and not reach the troops before 4 or 5 o'clock in the afternoon.

Spasking generally, he said the Santiago campaign should be judged by the result. The enemy was beaten. The campaign was not devoid of hardship, but it was not as severe as the operations under Gen. Lawton on the Yakin River in 1886, when little food could be had. The army in Cuba had accomplished what was regarded as impossible. The foreign attachés regarded the expedition as wonderfully successful. They often remarked on the landing in Cuba was performed in the face of untold dangers.

Naval Orders.

Washington, Jan. 13.-These naval orders

ave been issued: Lieut, G. T. Emmons, placed on the retired list: Liecter ant Commander W. W. Kimball, from the command of the Casar to the command of the Glacier instead of to Havana. Liout A. Reynolds, from the Bureau of Equipment to the Franklin: Lieut. F. L. Chapin, from the Indiana to the Bureau of Equipment: Lieut. G. H. Stafford, from the Penascola to the island of Guam, via Yosemite; Lieut. J. A. Bell, from the navy yard, New York, to duty with vessels in reserve at navy yard, League Island; Lieut. G. R. Evans, to the navy yard, New York, instead of to home; Lieut. L. M. Garrett, from the navy yard, New York to the Indiana; Lieut. Coffman, from the Prairie to the Marblehead; Lieutenant-Commander J. D. J. Relley, from duty as inspector of merchant yessels at New York and to office of the commandant New York New York and to office of the commandant New York New York and to office of the commandant New York Staff Assistant Surgeon J. J. Snyder, the Wassah; Lieut. W. S. Seccombe, from the command of the Glacier to home. ommand of the Casar to the command of the Glacier

Continued Increase in Exports. WASHINGTON, Jan. 13.—The values of the prin

cipal articles of domestic export for the month cipal articles of domestic export for the month of December, as compared with the same month of last year, were; Breadstuffs, \$31,-619,322, an increase of \$1,598,172; provisions, \$17,773,192, a decrease of \$84,219; cotton, \$99,696,765, an increase of \$3,405,984; mineral oils, \$4,194,257, a decrease of \$67,1037; total, \$93,273,506, an increase of \$5,542,900. The value of these exports for the twelve months was \$789,067,394, an increase of \$50,056,047 over those of 1897.

From 1/3 to 1/2 less than original prices.

\$30 & \$35 Overcoats at \$25. \$15 Overcoats at 10 dollars. " 10 Suits \$15 \$25 Overcoats " 15 " 18 Suits " 10 \$22 Ulsters

\$14 Overcoats " 9 Selections from our best stock to close out lots. Open Late This Evening.

HACKETT, CARHART & CO., Cor. 13th St., Cor. Canal St., Near Chambers. Broadway,

COUNT IN A PRISON WARD. TOULOUSE DE LOUTREC PUT UNDER

ARREST IN BELLEVUE. Held as a Suspicious Person—No Particular Charge, but He is identified as a Man Who Shipped Brickbats as Jewelry to His American-Cuban Trading Company. Nicolas Gerisim Savine, Comte Toulouse de autree as he styles himself, was arrested yes-

terday on his sickbed in Bellevue Hospital by Central Office Detectives Madden and Murphy and transferred to the prison ward of the hos-pital, where policemen sit by the patients' cots with the nurses and the doors and win-dows are barred. The only charge against him is that the police regard him as a suspicious

The circumstances leading up to his arrest. the detectives say, are these.

A package, alleged to contain jewelry worth \$2,000, was received at the Custom House from the Pan-American Express Company at Sagua la Grande, Cuba, a week or two ago consigned to the American Cuban Trading Company.

The company was not known to the authori-ties at Sagua. They determined to ask the Sagua agent of the Pan-American Express Company, Mr. Piedro Mora, to be present when the box was opened for examination in the Custom House. It was elaborately sealed, and box was opened, however, in the presence of Mr. Mora, it was found to contain only some soiled clothing and brickbats. The express company thought that somebody had at-

soiled clothing and brickods. The express company thought that somebody had attempted to defraud them by committing the package to their care, with intent to claim heavy damages when it arrived at its destination without any jewelry inside.

Correspondence with the express company's manager in this city followed, and Detectives Madden and Murphy were set to work to look the case up.

They learned that on Nov. 0 a distinguished looking foreigner had presented a package at the Wells-Fargo offices in this city. He said it contained ten gold watches, a chronometer and other jewelry to the value of \$2,000. The Wells-Fargo agent refused to accept it unless he was allowed to examine the contents. The stranger took the package away.

He next took it to the office of the New York Transfer Company in Washington street, near Court street, Brooklyn. The transfer company is the local agency of the Adams Express Company. The company took the package and sent it on to Cuba through the Pan-American Express.

The detectives believed that Savine had

it on to Cuba through the Pan-American Ex-press.

The detectives believed that Savine had shipped the package. They took his picture, which was No. 1.536 in the collection at Police Headquarters, and showed it to the Wells-Fargo people, who said it was that of the man who had tried to ship the jewelry package through them.

people, who said it was that of the man who had tried to ship the jewelry package through them.

Mr. Caldwell of the Pan-American Express also recognized the picture. He said it was that of a man who had applied to him a few weeks ago for the place of Cuban agent of the express company. The receipt of the New York Transfer Company for the package was found in Savine's clothes at the hospital. Bill-heads, ornately designed, of the Cuban-American Trading Company were also found there. Savine brought a lot of watches and jewelry to the hospital with him and had a letter from John A. Logan introducing him to Gen. Miles as a former member of the Czar's "Garcie a Cheval." Savine first became prominent in New York by an affray with a Tenderloin cabman in the fall of 1833.

The American-Cuban Trading Company has stationery ornamented with the American flag and the Cuban flag and the following: "Count de Toulouse Lautree, civil engineer, main office New York city. Representing American manufacturers in Cuba and Cuban producers in Unified States of America. Sample rooms and offices: B. Duran, commission merchant, Havana; S. Arenas, merchant and banker, and Pranene & Aragones, Cienfuegos."

The Rev. Brother Tatian, director of the Christian Brothers at the St. James (R. C.) Academy in Jay street, Brooklyn, died yesterday in St. Mary's Hospital of dropsy after a long illness. His right name was Eneas Farlen. He was born in Ireland in 1840, and came to this country when a boy. He received a common school education, and when 25 years old was admitted, in Montreal, Canada, to the Christian Brotherhood. He was for a while director of Calvert Hall at Baltimore, Md., and later of St. Gabriel's Academy of this city. For the past twenty-one years he had been connected with St. James Academy. The Tatian Literary Union and the Tatian Council, Catholic Benevolent Legion, both of this city, were named in his honor. The funeral will be on Monday from the St. James Cathedral, on Jay street.

monday from the St. James Cathedrai, on Jay street.

Eugene Higgins, the veteran politician of Baltimore, who served as appointment clerk in the Treasury Department during President Cleveland's first term, died in Baltimore last night of pneumonis. Higginswas once a member of the Maryland Legislature and served as Secretary of the Senate. He was a warm friend of Senator Gorman, and because of his activity in local politics his appointment by Cleveland aroused the ire of the Mugwumps, and they bombarded him until he was forced to resign. Mr. Cleveland said that he had been imposed appoint by Mr. Gorman, who recommended Higgins, and this contention led to the break between the President and the Senator which was never healed. Higgins was 59 years old. He leaves a widow and two adopted children.

Capt. Julius A. Palmer, formerly Queen Lili-

leaves a widow and two adopted children.
Capt. Julius A. Palmer, formerly Queen Liliuokalani's friend and supporter, died at his
home in Wellfeet, Mass., on Wednesday last.
From the day that Capt. Palmer arrived at
Honolulu as supereargo on an American vessel
he took an active interest in the politics of the
island. His newspaper work there attracted
greatattention. His letters were pronounced for
royalty. When the Queen visited this country in
the attempt to get herself reinstated. Capt.
Palmer was at her right hand in matters of
counsel. In Boston he was well known in the
old days as a jeweller. Until recently he did
some business as a broker. Three brothers survive him, Prof. George H. Palmer of Harvard,
the Rev. Frederick Palmer of Andover, and
Jacob P. Palmer. New York.
Henry Fiint Wendell is dead at Portsmouth,

Jacob P. Palmer, New York.

Henry Fiint Wendell is doad at Portsmouth,
N. H., aged 80. He was one of the children
who welcomed Gen. Lafayette when he visited
Poffsmouth in 1824. In 1828 he was appointed
Navy Agent under President Buchanan, and
held the office for three years. He was a
United States Deputy Marshal during President Johnson's Administration and a United
States Inspector of Customs under President
Cleveland. In 1840 he was elected Captain of
the Rockingham Guards of that city, and in
1849 was commissioned Lieutenant-Colonel
of the First Regiment. New Hampshire
Militia, by Gov. Dinsmore.
David Dows. Jr., son of the great grain

of the First Regiment. New Hampshire Militia, by Gov. Dinsmore.

David Dows, Jr., son of the great grain merchant of that name, died yesterday afternoon at his residence, 30 East Seventisth street, from tuberculosis of the throat. He was 41 years old and leaves a wife and three sons. His father died in 1890. The son went into his father's office when 19 years old and remained there until three years ago, when he was stricken with typhoid fever, and retired on account of ill health. He was a member of the Mctropolitan, the Union League, the Colonial and the New York Yacht clubs and the New England Society. The interment will be at Sleopy Hollow Cemetery on Monday.

Charles Hoffmeister died at his home on Church street. New Rochelle, yesterday. He had been an invalid for twelve years. He was born in Germany 74 years ago and came to New Rochelle in 1857 and established a market, which for many years was the largest along the Sound. He made a fortune and purchased a large amount of real estate. He leaves a widow and one daughter.

Ex-Senator William McSherry, who served

Ex-Senator William McSherry, who served in the Pennsylvania Senate and Legislature and was a leading lawyer of southern Pennsyl-vania, died yesterdar evening near Gettys-burg, Pa., at the age of 74. N. B. Giacier, a veteran of the Mexican and civil wars, died in Berlin, Mich., on Thursday, aged 83 years. He was one of the engineers who constructed the early fortifications about

who constructed the early fortifications about New York harbor.

Detective John E. Lawless of the Central Office squad died yesterday at the Post-Gradu-ate Hospital. He had been a policeman since May 9, 1883, and was assigned to the Detective Bureau in 1886.

William H. Post, a leading merchant of Hart-ford, who had been director in many banks and insurance companies, died yesterday.

Harry M. Loomis, city editor of the Water-

Harry M. Loomis, city editor of the Water-bury American, died yesterday.

One Richardson Will Case Wound Up. A decree was entered in the Surrogate's Court by Surrogate Arnold yesterday on agreement of counsel under which the estate Benjamin Richardson, brother of Joseph Rich Benjamin Richardson, brother of Joseph Richardson, of "Spite House" fame, will be wound up. The executrix, Emma T. Richardson, is the widow of Joseph Richardson. Thy estate of Benjamin Richardson, including a judgment in a tatent suit of \$818,000, amounts to \$1,250,000. The contest of the will of Joseph Richardson is still pending in the Surrogate's Court.

The Loaf, the Rat, the Clock, the Lamp,

Louis Heiman, who keeps a watchmakers' school at 40 Stanton street, cut a slice of bread for his boy on Thursday night and put the loaf away on a shelf. In the night a rat climbed up and hauled the loaf around until it rolled of the shelf. It fell upon a clock; the clock fell on a lamp and upset it, and the oil ran out and set the house on fire. Then came the firemen and she police. The rat escaped.

USED BY THE NOBILITY.

The Remedy That Makes People Well ----Paine's Celery Compound.



In every civilized country rich and poor alike have found restored health and new vigor in Paine's celery compound.

"Hard-working people of ordinary means are to be congratulated," says an English writer in reviewing the scientific work of the last quarter of a century, "upon having so easily within their reach to-day a remedy which the wealthiest and most influential persons best that modern medical skill offers. Paine's celery compound proves that the science of medicine has kept pace with the wonderful progress which characterizes the life of the present generation."

The astonishing reputation that this most wonderful of all remedies has acquired is principally due to the word-of-mouth recomprincipally due to the word-of-mouth recommendation and indorsement of men and women of the highest business and social standing, as well as of those in humbler but no less important positions who have themselves discovered its merits.

Adeline, Countess Schimmelmann, whose portrait is here given, in a recent letter to the Wells & Richardson Company speaks of friends of hers who have been benefited by Paine's celery compound, and who first advised her to recommend it to her sick friends.

Anna Admitted That She Stole the Goods, Anna Hausmann was employed by Mrs. Spiro of 184 West Eighty-second street last August, and went with her to Long Branch. Mrs. Spiro sent her to the city to get some clothing. That was the last that Mrs. Spiro saw of her servant until yesterday.

Fire was discovered in the Splro apartments at midnight on the day of the servant's arrival at midnight on the day of the servant's arrival in the city, and whatever the girl had not packed up and taken away was ruined. The fact that there had been a robbery was not discovered until the next day, when Mrs. Spiroreturned from Long Branch, In going over the wreck with the insurance men she discovered that her jewelry, silverware, table linen, clothing and pictures had been taken. She reported the case to Capt. McClusky and gaven him a photograph of the missing servant. Anna was captured yesterday and arraigned in the West Fifty-fourth street court. She admitted that she had stolen the goods, but said she knew nothing about the fire. She was held for trial.

COLER MAKES MORE CHARGES.

Mayor Wurster and the City Works Depart-

ment Wasted \$6,327 for Maps. Comptroller Coler made public yesterday another report from his expert accountants on the manner in which business was carried on in the old City Works Department of Brooklyn. The report deals with the contract awarded to Frederick E. Strom when Theodore B. Willis was Commissioner and Robert W. Fielding Deputy Commissioner and Robert W. Fielding Deputy Commissioner, to furnish maps of the Twenty-sixth. Twenty-minth and Thirty-second wards for the use of the Water Register's Department. The amount paid to Mr. Storm was \$6,327, and the expenditure was, according to the report, sanctioned by Mayor Wurster. The report says that the contract was made in conformity to the law, but that the expenditure was absolutely unnecessary, inasmuch as water is supplied in those wards by private corporations and the maps were of no use to the Water Register.

C. L. U. Must Give Up Its Name. The Central Labor Union and the Central Labor Federation will get together to-morrow Afternoon in Schueller's Hall, 231 East Thirtythird street, in accordance with the plan of amalgamation which is now under consideration. The meeting has been called to ratify an agreement made by committees of each body to amalgamate as the Central Labor Union. Some of the delegates of the federation will refuse to ratify this agreement unless the Central Labor Union also gives up its name and the new body receives an entirely new name.

Only Schley Survives of the Triplets. There was mourning yesterday at 230 Mulberry street over the death of two of the triplets born to Mrs. Guiseppe La Salle on Wednes day. The triplets were christened Dewey Salvatore, Sampson Casino and Schloy Gero La Salle. Dewey and Sampson died early yesterday morning. The latest report from Schley was that he was in the best of health and crowing lustily. The countess, as is well known, is a prominent member of the Danish court. Her coming to this country has been much talked of. Her real object was one of charity, for she is using her great wealth and influence this winter in assisting the Danish people in the Western States. She is stopping in Chicago, and from there writes her straightforward indorsement of Paine's celery compound.

Women who are easily excited, who waste energy worrying over trifles, who are often sufferers from sick headache and nervoueness, should read the plain, unbiased statements of what Paine's celery compound has done for other women.

what Paine's celery compound has done for other women.

Among the diseases that cause a vast amount of needless suffering that may be readily cured by Paine's celery compound are billiousness, torpid liver, headache, sleeplesaness, dizziness, constipation, dyspepsia and general nervousness and debility.

No man or woman who is continually alling can successfully carry on business or be of much real comfort to the household.

And only a thoroughly nourished body that has all the used-up, and therefore harmful material promptly removed from the blood and tissues can be healthy. When either of these vital conditions of adequate repair or elimination are incompletely done, the organs need just such help as Paine's celery compound is fitted to give. No other remedy is so valuable. uable.
Where other remedies have failed, Paine's celery compound will succeed.

SECURITY MUTUAL

Life Insurance Company.

New York Office. 140-141 Times Building,

41 Park Row. If you will fill in the blanks below and return to me, I will furnish you BY MAIL with a statement giving you cost and details of the STRONGEST. SAFEST and CHEAPEST system of

insurance extant. Address MOTON D. MOSS,

ADDRESS

AMOUNT P. S.—At the close of business December 31st, this Company had not a single valid claim in process of adjustment, and no contested claims; every death claim incurred from the day of its organization having been paid.

CHICAGO DISPATCH SOLD.

DATE OF BIRTH

OCCUPATION_

Joseph Dunlop, Who Will Soon Be Out of Prison, May Get It Again.

CHICAGO, Jan. 13.-The Chicago Democrat and Dispatch was sold at public auction to-day to William.P. Dutton for \$1,000. The only bid was offered by Mr. Dutton, who is a lawyer associated with , Matz, Fischer & Boyd, attorneys for the Combined Locks Paper Company, and with George B. Carpenter & Co., the two largest creditors of the newspaper. Mr. Dutton refuses to say whom he represents in making the purchase. Miles Gerl nger, the receiver, has been retained to manage the paper, and the purchasers announce that it is for saie. It is thought by somethat the paper will be sold to Joseph Dunior, the former owner, when he is released from Jollet Prison next month.

New York Police Manual for Porto Rico. A letter was received at Police Headquarters yesterday from Gen. Fred Grant in Porto Rico asking for some copies of the police manual that was published by the Roosevelt board for use in organizing a police force in the island. The manual has been superseded by a new one for the greater city, and copies of that will be forwarded to Gen. Grant.

PREVENTIVE TREATMENT OF "GRIPPE."

APENTA

The celebrated DR. DUJARDIN BEAUMETZ, PARIS, concluded that Influenza has its seat in the gastric organs, and that the preventive and curative treatment consists chiefly in judicious laxative medication.

"Those who keep the digestive organs in a good aseptic state adopt the best means of escaping the epidemic. For this purpose it is necessary to have recourse to the natural purgative waters of which 'APENTA' is the type."

> Journal de Médecine, Paris. OF ALL DRUGGISTS AND MINERAL WATER DEALERS.